

State of South Dakota

EIGHTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2013

581U0445

SENATE BILL NO. 89

Introduced by: Senators Olson (Russell), Brown, Frerichs, Holien, Johnston, Krebs, Lederman, Novstrup (Al), Rave, Tidemann, Welke, and White and Representatives Solum, Cronin, Greenfield, Hoffman, Hunhoff (Bernie), Magstadt, Munsterman, Novstrup (David), Parsley, Peterson, Rounds, Verchio, and Wick

1 FOR AN ACT ENTITLED, An Act to limit the liability of retail dealers in petroleum products
2 under certain conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A retail dealer in petroleum products subject to inspection under the provisions of this
7 chapter is not liable for damages caused by the use of incompatible motor fuel dispensed at the
8 retail dealer's retail motor fuel pump, if all of the following apply:

- 9 (1) The incompatible motor fuel complies with the specifications for a type of motor fuel
10 as provided in this chapter;
- 11 (2) The incompatible motor fuel is selected by a person other than the retail dealer or an
12 employee or agent of the retail dealer; and
- 13 (3) The incompatible motor fuel is dispensed from a motor fuel pump that correctly



1 labels the type of fuel dispensed.

2 For the purposes of this section, a motor fuel is incompatible with a motor according to the

3 manufacturer of the motor.